## UNITED STATES OF AMERICA BEFORE THE NATIONAL LABOR RELATIONS BOARD

THE GULFPORT STEVEDORING ASSOCIATION-INTERNATIONAL LONGSHOREMAN'S ASSOCIATION CONTAINER ROYALTY PLAN

and Case 15-CA-096939

**TOMMY EVANS** 

INTERNATIONAL LONGSHOREMAN'S ASSOCIATION LOCAL 1303

and Case 15-CB-096934

**TOMMY EVANS** 

## ORDER<sup>1</sup>

The Respondent's Motion to Dismiss for Lack of Jurisdiction is denied. The Respondent has failed to establish that it is entitled to judgment as a matter of law. This denial is without prejudice to the Respondent's right to renew its jurisdictional arguments, and any request to bifurcate the hearing, to the administrative law judge and to raise the jurisdictional issue before the Board on any exceptions that may be filed to the judge's decision, if appropriate. In addition, the Respondent's request for a preliminary hearing is denied.

Dated, Washington, D.C., September 9, 2013.

MARK GASTON PEARCE, CHAIRMAN

PHILIP A. MISCIMARRA, MEMBER

KENT Y. HIROZAWA, MEMBER

<sup>&</sup>lt;sup>1</sup> The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.